

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:
James M. Reich and Rebecca G. Reich

Chapter 13

Case No. 09-25806-SVK

Debtor(s)

**MOTION OF UNIVERSAL MORTGAGE CORPORATION
FOR RELIEF FROM AUTOMATIC STAY**

Universal Mortgage Corporation, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto “the movant”), through its attorneys, Gray & Associates, LLP, hereby moves the court for relief from the automatic stay pursuant to §362 of the Bankruptcy Code and, in support of said motion, alleges as follows:

1. That the movant holds a promissory note and mortgage encumbering real property owned by the debtor(s) and located at N4846 Hillcrest Drive, Bonduel, WI. A copy of note and the properly-perfected mortgage are filed herewith and their contents are incorporated herein by reference.

2. That since the commencement of this case (or the resolution of the prior motion for relief from the automatic stay herein, if any), five post-petition monthly mortgage payments have not been received as required by the terms of the plan in this case and, accordingly, the movant’s records reflect that the following post-petition arrearage has accrued:

11/09 through 3/10 payments	\$6,621.76
Attorneys’ fees and costs:	<u>800.00</u>
POST-PETITION ARREARAGE	<u>\$7,421.76</u>

Drafted by:

Jay J. Pitner
Gray & Associates, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151
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Gray & Associates, L.L.P. is attempting to collect a debt on its client's behalf and any information it obtains will be used for that purpose. If you previously received a discharge in a chapter 7 bankruptcy case, this should not be construed as an attempt to hold you personally liable for the debt.

3. That the default in payments constitutes “cause” for terminating the automatic stay under section 362(d)(1) of the Bankruptcy Code.

4. That failure to make the monthly payments has resulted in the loss of adequate protection of the movant's interest in the encumbered property, thereby entitling the movant to relief from the automatic stay under §362(d)(1) of the Bankruptcy Code.

5. That the estimated fair market value of the property according to the local assessor's office is \$135,400.00.

6. That the total amount due the movant is approximately \$148,725.61.

7. That there is no equity in the property over and above the liens of the secured creditors, the exemptions claimed by the debtor(s), unpaid real estate taxes and other liens of record. The lack of equity in the property, which is unnecessary for an effective reorganization, entitles the movant to relief from the automatic stay under section 362(d)(2) of the Bankruptcy Code.

WHEREFORE, the movant requests that the automatic stay be terminated pursuant to §362(d) of the Bankruptcy Code so that the movant may protect, exercise and enforce its rights pursuant to said note and mortgage, that the movant’s legal fees and costs associated with this motion be approved and that any order entered pursuant to this motion be effective immediately upon its entry and for such further relief as may be just and equitable.

Dated this 15th day of March, 2010.

GRAY & ASSOCIATES, L.L.P.
Attorneys for Movant

By: ____/s Jay Pitner_____
Jay Pitner
State Bar No. 1010692

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**NOTICE OF MOTION OF UNIVERSAL MORTGAGE CORPORATION
FOR RELIEF FROM AUTOMATIC STAY**

Universal Mortgage Corporation, the current mortgagee of record, its successors, servicing agents and/or assignees (hereinafter collectively and at all times material hereto “the movant”), has filed papers with the court to obtain relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion for relief from the automatic stay, or if you want the court to consider your views on that motion, **within fourteen (14) days of the date of this notice**, you or your attorney must do the following:

File with the court a written objection to the motion and a request for a hearing with:

Clerk, U.S. Bankruptcy Court
U.S. Courthouse, Room 126
517 East Wisconsin Avenue
Milwaukee, WI 53202-4581

If you mail your request and objection to the court for filing, you must mail it early enough so the court receives it within 14 days of the date of this notice.

Drafted by:
Jay J. Pitner
GRAY & ASSOCIATES, L.L.P.
16345 West Glendale Drive
New Berlin, WI 53151
Phone: (414) 224-8404
Fax: (414) 224-1279
Email: jpitner@gray-law.com

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You must also mail copies of the written objection and request for a hearing to:

Jay Pitner
Gray & Associates, L.L.P.
600 North Broadway, Suite 300
Milwaukee, WI 53202

Thomas J. King
Chapter 13 Trustee
P.O Box 3170
Oshkosh, WI 54903-3170

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated this 15th day of March, 2010.

GRAY & ASSOCIATES, L.L.P.
Attorneys for Movant

By: ____/s Jay Pitner_____
Jay Pitner
State Bar No. 1010692

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AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
)ss
WAUKESHA COUNTY)

Daphne West, being first duly sworn on oath deposes and says that she is an employee of the firm of **GRAY & ASSOCIATES, L.L.P.**, attorneys for the movant identified herein, that on the 15th day of March, 2009, she electronically filed the annexed notice of motion and motion for relief from automatic stay and that copies of these documents were mailed, properly enclosed in a postage paid envelope, or served electronically if the party accepts electronic service, to the following:

James M. Reich
N4846 Hillcrest Dr
Bonduel, WI 54107

Rebecca G. Reich
N4846 Hillcrest Dr
Bonduel, WI 54107

William Murphy
Attorney for Debtor(s)
611 N Broadway, #105
Milwaukee, WI 53202

Thomas J. King
Chapter 13 Trustee
P.O Box 3170
Oshkosh, WI 54903-3170

Office of the US Trustee
517 E. Wisconsin Avenue, Room 430
Milwaukee, WI 53202

_____/s Daphne West_____
Daphne West

Subscribed to and sworn before me
this 15th day of March, 2010.

_____/s Michelle M. Neil_____
Michelle M. Neil, Notary Public
State of Wisconsin
My commission expires: 9/22/2013